



## Reports of Cases

### Judgment of the General Court (Seventh Chamber) of 7 March 2013 — FairWild Foundation v OHIM — Wild (FAIRWILD)

(Case T-247/11)

(Community trade mark — Opposition proceedings — International registration designating the European Community — Word mark FAIRWILD — Earlier Community word mark WILD — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

1. *Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services — Likelihood of confusion with the earlier mark — Criteria for assessment (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 17, 18)*
2. *Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services — Likelihood of confusion with the earlier mark — Word marks FAIRWILD and WILD (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 19, 20, 22, 44, 46)*
3. *Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services — Similarity of the marks concerned — Criteria for assessment — Complex mark (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 24, 31, 34)*
4. *Community trade mark — Appeals procedure — Action before the EU judicature — Jurisdiction of the General Court — Re-evaluation of the facts in the light of evidence produced for the first time before it — Exclusion (Rules of Procedure of the General Court, Art. 135(4); Council Regulation No 207/2009, Art. 65) (see para. 38)*

**Re:**

ACTION brought against the decision of the First Board of Appeal of OHIM of 3 March 2011 (Case R 1014/2010-1), relating to opposition proceedings between Rudolf Wild GmbH & Co. KG and FairWild Foundation.

**Operative part**

The Court:

1. Dismisses the action;
2. Orders FairWild Foundation to pay the costs.